

IN THE CLAIMS

Please amend the claims as follows:

Listing of Claims:

Claims 1-15 (Canceled).

16. (New) A wireless communication apparatus comprising:  
a subcarrier allocation section that allocates first data  
satisfying a predetermined condition to a subcarrier or a subcarrier  
block selected based on reception quality information indicating  
reception quality of each communicating party and allocates second  
data different to the first data to a preassigned subcarrier or a  
preassigned subcarrier block; and

a transmission section that transmits the first data and the  
second data allocated to the subcarrier or the subcarrier block by the  
subcarrier allocation section.

17. (New) The wireless communication apparatus according to claim  
16, wherein the subcarrier allocation section allocates the first data  
constituted by dedicated data transmitted to each communicating party  
to the selected subcarrier or subcarrier block, and allocates the  
second data constituted by common data transmitted to a plurality of  
communicating parties to the preassigned subcarrier or subcarrier  
block.

18. (New) The wireless communication apparatus according to claim 16, further comprising a data amount determination section that determines an amount of data of transmission data,

wherein the subcarrier allocation section allocates the first data of the data amount greater than or equal to a first threshold value to the selected subcarrier or subcarrier block, and allocates the second data of the data amount less than the first threshold value to the preassigned subcarrier or subcarrier block.

19. (New) The wireless communication apparatus according to claim 16, further comprising a movement speed estimation section that estimates a movement speed of a communicating party from a received signal,

wherein the subcarrier allocation section allocates the first data transmitted to a communicating party of the movement speed estimated by the movement speed estimation section of less than a second threshold value to the selected subcarrier or subcarrier block, and allocates the second data transmitted to a communicating party of the movement speed estimated by the movement speed estimation section of greater than or equal to the second threshold value to the preassigned subcarrier or subcarrier block.

20. (New) The wireless communication apparatus according to claim 16, further comprising a delay spread measuring section that measures a delay spread of a propagation path from a received signal,

wherein the subcarrier allocation section allocates the first data of the delay spread measured by the delay spread measuring section of less than a third threshold value to the selected subcarrier or subcarrier block, and allocates the second data of the delay spread measured by the delay spread measuring section of greater than or equal to the third threshold value to the preassigned subcarrier or subcarrier block.

21. (New) The wireless communication apparatus according to claim 16, further comprising a delay spread measuring section that measures a delay spread of a propagation path from a received signal,

wherein the subcarrier allocation section allocates the first data of the delay spread measured by the delay spread measurement section of greater than or equal to a lower threshold value and less than an upper threshold value set in a direction where the delay spread becomes larger than the lower threshold value to the selected subcarrier or subcarrier block, and allocates the second data of the delay spread measured by the delay spread measuring section of less than the lower threshold value and greater than or equal to the upper threshold value to the preassigned subcarrier or subcarrier block.

22. (New) The wireless communication apparatus according to claim 16, wherein the subcarrier allocation section allocates the second data to a plurality of subcarriers or a plurality of subcarrier blocks at a predetermined frequency interval within a communication frequency band width.

23. (New) The wireless communication apparatus according to claim 16, wherein the subcarrier allocation section holds a reference table storing modulation scheme information associating reception quality information and modulation scheme, selects the modulation scheme for each subcarrier or subcarrier block using reception quality information for the communicating party, and allocates the first data to the subcarriers or subcarrier block using scheduling in such a manner that the required transmission rate for each communicating party is satisfied using required transmission rate information indicating required transmission rate of each communicating party.

24. (New) A base station apparatus comprising the wireless communication apparatus of claim 16.

25. (New) A subcarrier allocation method comprising the steps of:  
(a) allocating first data satisfying a predetermined condition to a subcarrier or a subcarrier block selected based on reception quality information indicating reception quality of each communicating party

and required transmission rate information indicating required transmission rate of each communicating party; and

(b) allocating second data different to the first data to a preassigned subcarrier or a preassigned subcarrier block.

26. (New) The subcarrier allocation method according to claim 25, wherein allocating the first data constituted by dedicated data transmitted to each communicating party to the selected subcarrier or subcarrier block in the step (a), and allocating the second data constituted by common data transmitted to a plurality of communicating parties to the preassigned subcarrier or subcarrier block in the step (b).

27. (New) The subcarrier allocation method according to claim 25, further comprising a step (c) of determining an amount of data of transmission data,

wherein allocating the first data of the data amount greater than or equal to a first threshold value to the selected subcarrier or subcarrier block in the step (a), and allocating the second data of the data amount less than the first threshold value to the preassigned subcarrier or subcarrier block in the step (b).

28. (New) The subcarrier allocation method according to claim 25, further comprising a step (d) of estimating a movement speed of a communicating party from a received signal; wherein

allocating the first data transmitted to a communicating party of the estimated movement speed of less than a second threshold value to the selected subcarrier or subcarrier block in the step (a), and

allocating the second data transmitted to a communicating party of the estimated movement speed of greater than or equal to the second threshold value to the preassigned subcarrier or subcarrier block in the step (b).

29. (New) The subcarrier allocation method according to claim 25, wherein, in the step (b), allocating the second data is allocated to a plurality of subcarriers or a plurality of subcarrier blocks at a predetermined frequency interval within a communication frequency band width.

30. (New) The subcarrier allocation method according to claim 25, wherein, in the step (a), reception information for a communicating party is employed, selecting a modulation scheme for each subcarrier or subcarrier block by referring to modulation scheme information associating the reception quality information and the modulation scheme, and allocating the first data to the subcarrier or subcarrier block by scheduling in such a manner that a required transmission rate

for each communicating party is satisfied using the required transmission rate information.